

## PATENT APPLICATION

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In response to the Non-Final Office Action mailed on approximately July 27<sup>th</sup>, 2005 and provided as a courtesy copy via fax on August 2<sup>nd</sup>, 2005 due to a mailing error, Applicant requests the Examiner to reconsider the application in view of the following amendments and remarks.

AMENDMENTSIN THE CLAIMS:

Claim 1 has been canceled without prejudice.

Claims 2-36 have been added.

REMARKS

Applicant appreciates the time taken by the Examiner to carefully review Applicant's present application. Applicant has carefully reviewed the Non-Final Office Action mailed July 27<sup>th</sup>, 2005.

Claim 1 stands rejected under 35 U.S.C. § 102(e) over U.S. Patent # 6,715,003 issued to Safai ("Safai").

Applicant respectfully requests reconsideration and favorable action in this case based on the following: Claim 1 has been canceled without prejudice. Claims 2-36 have been added and are distinguishable over the prior art of record.

Newly Added Claims 2-11

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Newly added Claims 2-11 are distinguishable over Safai and the prior art of record. Safai and the prior art of record, either alone or when combined, fail to disclose each and every element of Claim 2. Claim 2 recites, among other elements “a processor coupled to a [the] memory and operable to determine a destination and an associated process characteristic”. The device of Claim 2 further includes “the processor operable to process the digital image using the process characteristic associated with the destination” (Emphasis Added)

Safai discloses only communicating a digital image to be processed at a destination. (See Safai Figures 6 and 8). Safai does allow a user to edit images independent of a destination (See Safai Figures 11B-E) but fails to determine a process characteristic associated with a destination and to process the image based on the process characteristic. The present invention as claimed advantageously reduces the amount of processing required at the destination and provides for efficient communication of digital images to a destination. Safai and the prior art of record fail to teach or suggest “a processor coupled to the memory and operable to determine a destination and an associated process characteristic” and “[the] a processor operable to process the digital image using the process characteristic associated with the destination” as recited in Claim 2. As such, Safai and the prior art of record cannot anticipate or make obvious Claim 2 of the invention. Applicant requests favorable allowance of independent Claim 2. Additionally, Claims 3-11, which depend from Claim 2, provide additional limitations not present in Safai or the prior art of record. As such, Applicant requests favorable allowance of Claims 2-11.

Newly added Claims 12-27

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Newly added Claims 12-27 are also distinguishable over Safai and the prior art of record. Safai and the prior art, either alone or when combined, fail to disclose each and every element of Claim 12. For example, Claim 12 includes, among other elements "a processor operable to automatically associate a process reference with a digital image upon capturing the digital image" and "an image sensor operable to be enabled upon a process being selected". (Emphasis Added)

Safai does not disclose automatic association of process references or enabling an image sensor based on a selected process. Conversely, Safai teaches away from the present invention through requiring an individual to first capture a digital image and then browse captured digital images to determine which images to communicate to a destination (See Safai Figure 3C). The present invention as claimed in Claim 12 allows for automatically associating processing references before a digital image is recorded and enabling an image sensor based on the selected process. Safai and the prior art of record fail to teach or suggest "a processor operable to automatically associate a process reference with a digital image upon capturing the digital image" and "an image sensor operable to be enabled upon a process being selected" as recited in Claim 12. As such, Safai and the prior art of record cannot anticipate or make obvious Claim 12 of the invention. Applicant therefore requests favorable allowance of independent Claim 12. Additionally, Claims 13-27, which depend from Claim 12, provide additional limitations not present in Safai or the prior art of record. As such, Applicant requests favorable allowance of Claims 12-27.

Newly added Claims 28-36

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Newly added Claims 28-36 are also distinguishable over Safai and the prior art of record. Safai and the prior art, either alone or when combined, fail to disclose each and every element of Claim 28. For example, Claim 28 discloses, among other elements, a method having the steps of "determining a profile associated with a digital image capturing device" and "enabling at least one process based on the profile". The method further includes "communicating a reference to the at least one process to process a digital image captured using the digital image capturing device." (Emphasis Added)

The present invention as claimed allows for determining a profile and enabling at least one process based on the profile. Neither Safai nor the prior art of record disclose profiles or enabling processes based on profiles. Safai and the prior art of record fail to teach or suggest "determining a profile associated with a digital image capturing device", "enabling at least one process based on the profile" and "communicating a reference to the at least one process to process a digital image captured using the digital image capturing device" as recited in Claim 28. As such, Safai and the prior art of record cannot anticipate or make obvious Claim 28 of the invention. Applicant therefore requests favorable allowance of independent Claim 28. Additionally, Claims 29-36, which depend from Claim 28, provide additional limitations not present in Safai or the prior art of record. As such, Applicant requests favorable allowance of Claims 28-36.

**CONCLUSION**

Applicant has made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of the rejection and allowance of Claims 2-36. Applicant believes no

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additional fee is due. However, Applicant requests a notice of any additional fees due to be forwarded to the address listed below.

Respectfully Submitted,



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